

**POMERANTZ LLP**

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*Counsel for Lead Plaintiff and the Class*

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

SHARON BERNSTEIN, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

GINKGO BIOWORKS HOLDINGS, INC., et  
al.,

Defendants.

Case No. 4:21-cv-08943-KAW

**LEAD PLAINTIFF'S  
SUPPLEMENTAL BRIEF  
REGARDING SETTLEMENT  
ADMINISTRATION EXPENSES**

Judge: Hon. Kandis A. Westmore

1 Lead Plaintiff Sharon Bernstein, by her attorneys and Pursuant to Rule 23(e) of the Federal  
2 Rules of Civil Procedure and Northern District of California Procedural Guidance for Class Action  
3 Settlements, Preliminary Approval § 2, (“Northern District Guidance”) hereby files this supplemental  
4 brief on administrative expenses as discussed at the Settlement Hearing held on December 5, 2024.

5 From the inception of this Settlement, Lead Plaintiff and Lead Counsel have sought to limit  
6 administration costs. The approved administrator, Strategic Claims Services (“SCS”) was selected in  
7 a competitive bidding process over four other firms based on its proposed fees, scope of services, and  
8 proven history of reliability. As a result of that process, Lead Plaintiff and Lead Counsel believe that  
9 this Settlement can properly be administered for \$250,000.00 or less, including the initial distribution.  
10 That request was included in connection with preliminary approval; however, consistent with the  
11 Northern District Guidance, Your Honor correctly indicated that it should be addressed at final  
12 approval. *See* Dkt. No. 126 at 11 n.4. Lead Counsel inadvertently omitted further briefing on  
13 administration costs from its final approval papers, and files this supplemental brief to provide such  
14 information.

15 SCS has executed the Plan of Notice approved by this Court. It has emailed or mailed, or  
16 caused to be emailed or mailed, notice to 73,322 potential Settlement Class Members, has sought to  
17 correct wrong addresses, has published summary notice, and has established both a toll-free phone  
18 line and a Settlement website. *See* Dkt. No. 131-1. SCS is currently in the process of auditing the  
19 38,329 claims it has received. *Id.* at ¶10. Those claimants with claims that are incomplete or otherwise  
20 invalid will be given an opportunity to supplement their claims and at least 21 days’ time to do so. *Id.*  
21 When this process is complete, Lead Plaintiff and Lead Counsel will move the Court to distribute the  
22 Net Settlement Fund and will summarize the valid and invalid claims.

23 SCS has successfully administered several dozen securities class action settlements across the  
24 nation. Information about SCS and its procedures was previously provided, including the information  
25 identified in the Northern District Data Security Checklist. *See* Dkt. No. 117-4. For convenience, that  
26 information is reattached hereto as **Exhibit A**.

27 To date, SCS has invoiced \$85,241.07. Lead Counsel expects administration expenses to ramp  
28 in connection with the audit process and other labor-intensive tasks. However, Lead Counsel still

1 anticipates that the total amount can be kept under \$250,000.00 (less than the \$300,000.00  
2 contemplated by the Parties' Stipulation). Lead Plaintiff and Lead Counsel respectfully request that  
3 the final approval order authorize payment of Notice and Administrative Expenses from the Net  
4 Settlement Fund, up to \$250,000.00.

5  
6 Dated: December 6, 2024

Respectfully submitted,

7 POMERANTZ LLP

8 By: /s/ Brian P. O'Connell  
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*Additional Counsel for Lead Plaintiff*  
*and the Settlement Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2024, a copy of the foregoing was filed electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

Dated: December 6, 2024

**POMERANTZ LLP**

By: /s/ Brian P. O'Connell  
Brian P. O'Connell